

**Tennessee Board of Architectural and Engineering Examiners  
Board Meeting  
Davy Crockett Tower  
Nashville, Tennessee**

September 18, 2008

**Board Members Present**

Hal Balthrop, Professional Engineer  
Bob Campbell, Professional Engineer  
James Hastings, Registered Architect  
Philip Lim, Professional Engineer  
Bill Lockwood, Registered Landscape Architect  
David Schuermann, Registered Architect  
Leslie Shankman-Cohn, Registered Interior Designer  
Richard Thompson, Registered Architect

**Board Member Absent**

Brenda Wood, Public Member

**Associate Board Members Present**

Dennis Henderson, Professional Engineer  
Carlton Norris, Professional Engineer  
Raymond White, Professional Engineer

**Staff Present**

Robert Herndon, Legal Counsel  
John Cothron, Executive Director  
Wanda Garner, Administrative Assistant

**Guests**

The following guests attended all or part of the Board meeting:  
Al Bodie, American Society of Landscape Architects, Tennessee Chapter (TN-ASLA)  
Candy Toler, Tennessee Society of Professional Engineers/American Council of  
Engineering Companies of Tennessee (TSPE/ACEC-TN)  
Katherine Setser, Tennessee Interior Design Coalition (TIDC)  
Richard Glascock, PE, Elrod and Company  
Charles Stofel, Columbia Neon Company

**CALL TO ORDER**

Jim Hastings, chair, called the meeting to order at 9:10 a.m. Roll call determined that a quorum was present.

Mr. Hastings introduced Ms. Shankman-Cohn and Mr. Hal Balthrop, newly appointed members of the Board. Ms. Shankman-Cohn, a Registered Interior Designer, replaces Dana Miller; Mr. Hal Balthrop, a Professional Engineer, replaces Bill Stockard.

No changes were made to the agenda.

## CONSENT AGENDA

1. *Approval of Minutes* (attached)  
Mr. Lockwood, seconded by Mr. Schuermann, moved to accept the minutes of the July 10, 2008 meeting as written. The motion passed unanimously.
2. *Approval of Staff Complaint Report* (attached)  
Mr. Campbell, seconded by Mr. Lockwood, moved to accept the recommendations presented in the Complaints for Board Decision. The motion passed unanimously.

## DIRECTOR'S REPORT

1. *Licensing Data* was submitted for informational purposes only (attached).
2. *Financial Data* was submitted and reviewed by Mr. Lim (attached).
3. *Mr. Cothron* submitted the following report:
  - a. Staff has been informed that plans to develop a new licensing database (the Multi-Agency Regulatory System—MARS) have been abandoned. The department will instead explore improvements to the current system.
  - b. The division recently purchased digital scanning equipment, and staff has begun the process of scanning all files. All files that were previously microfilmed have been converted to the new digital system.
  - c. The Spring/Summer 2008 edition of *Tennessee Design Lines* has been distributed.
  - d. The recent rule changes have been reviewed by the Attorney General's office and filed with the Secretary of State, and will take effect on or around December 1.
  - e. Mr. Cothron recently met with two attorneys from the Fire Prevention Division to discuss their development of an electronic plans submittal system for the State Fire Marshal's Office. Some registrants had expressed concern that the Board's rules would not allow electronic submittal of plans, and he explained that the rules of the Board would permit this as long as the registrant uses a secure method to affix his or her electronically generated signature and date of signature.
  - f. Philip Lim, Dennis Henderson and he attended the NCEES Annual Meeting in Minneapolis on August 13-16, 2008.
  - g. Bill Lockwood and he attended the CLARB Annual Meeting in San Diego on September 4-6, 2008.
  - h. Mr. Cothron has submitted a request for Leslie Shankman-Cohn and he to attend the NCIDQ Annual Meeting in Kansas City on November 14-15, 2008.
  - i. Mr. Cothron recently met with the Land Surveyors Board to explain the Board's revised delineation of engineering and surveying policy. The Land Surveyors Board has requested another Attorney General's opinion on this issue.

## OLD BUSINESS

### 1. *Action Items* (attached)

- a. Mr. Cothron performed the research requested by the Continuing Education Committee.
- b. Mr. Hastings reported that he is working on changes to the Board's seal.
- c. Draft Bylaws will be presented later in the meeting.
- d. A letter was sent to the Fire Prevention Division expressing the Board's concerns about proposed rules. The Fire Prevention Division has filed its proposed rules with the Attorney General, but a response to the board's letter has not yet been received.
- e. The Continuing Education Committee has met and will present a draft of rule changes at the October Board meeting.

### 2. *Proposed Bylaws* (attached)

Mr. Thompson, seconded by Mr. Campbell, moved to delete the second sentence from Section 3.05 and adopt the proposed bylaws as amended. The motion passed eight to one, with Mr. Schuermann voting against.

### 3. *Sign Exemptions* (attached)

After the Board was advised by legal counsel that the Board currently has no statutory authority to exempt signs and that the sign issue can only be addressed by legislative action, Mr. Campbell, seconded by Mr. Lockwood, moved to rescind the portion of the Seal Exemptions Clarification policy regarding signs (section 7). The motion passed unanimously.

Mr. Richard Glascock, PE, told the Board that sign companies and sign trade organizations are gathering information regarding the design and construction of signs and that the International Sign Association will be making recommendations in the future regarding what signs should be designed by a licensed design professional.

Mr. Balthrop, seconded by Ms. Shankman-Cohn, moved that Mr. Cothron send a formal letter to recognized professional and trade organizations asking for recommendations regarding what signs should be designed by a licensed design professional and the technical rationale for the recommendations. The Board requested that these recommendations be submitted by December 1, 2008. The motion passed unanimously.

Mr. Charles Stofel requested that local building officials be notified of the Board's action on the sign issue. Mr. Cothron responded that he will send an e-mail to building officials notifying them that the Board rescinded the portion of the Seal Exemptions Clarification policy regarding signs (section 7).

### 4. *Integrated Project Delivery* (attached)

An item from *AIArchitect This Week* regarding integrated project delivery was submitted for informational purposes only.

5. *Committee Appointments*

Mr. Hastings appointed Ms. Shankman-Cohn as chair of the Interior Design Committee and a member of the following committees: Law and Rules/Policies, Continuing Education, Publications, Grants to Higher Education, Licensure Outreach, and Nominations. Mr. Schuermann was appointed to the Grants to Higher Education Committee, Mr. Balthrop to the Finance Committee, and Brenda Wood to the Licensure Outreach Committee.

**Professional Society Reports**

1. *Candy Toler*, TSPE/ACEC-TN, reported that
  - a. ACEC-TN is celebrating its 40<sup>th</sup> anniversary with a reception on October 10, 2008.
  - b. TSPE is celebrating its 60<sup>th</sup> anniversary next year.
  - c. TSPE is offering a Civil P.E. Exam Review Course in Nashville and Knoxville this fall.
  - d. Mr. Lim received the Professional Engineer in Government Award at the TSPE Annual Meeting in June.
2. *Al Bodie*, TN-ASLA, reported that the Annual Conference 2008, held recently in Knoxville, went very well.

Break 10:20 – 10:35 a.m.

**NEW BUSINESS**

1. *Report on NCEES Annual Meeting* (attached)  
A written report on the NCEES Annual Meeting was submitted.
2. *Report on CLARB Annual Meeting* (attached)  
A written report on the CLARB Annual Meeting was submitted.
3. *Board Meeting at Vanderbilt University*  
A tentative agenda for the Fall Planning Session and October Board meeting was submitted to the Board for additional items to be discussed (attached). Mr. Hastings suggested that the Board discuss integrated project delivery.
4. *November Board Meeting Date*  
Mr. Lockwood, seconded by Mr. Schuermann, moved to reschedule the November meeting for December 11-12, 2008. The motion passed unanimously.
5. *Grant Guideline Revisions* (attached)  
Mr. Schuermann, seconded by Mr. Campbell, moved to insert the words, “library resources,” after “instructional equipment” in the second sentence of the first paragraph. The motion passed unanimously.  
  
Mr. Lockwood noted that the landscape architect program at the University of Tennessee at Knoxville and the architectural program at the University of Memphis will need to be added to the grant distribution list when they become accredited.

Mr. Thompson suggested that something be added to the grant distribution guidelines specifically requiring that grant money be used to pay fees for the architectural Intern Development Program (IDP).

Revisions to the Grant Guidelines will be discussed in committee at the Board's planning session in October.

6. *Emeritus Certificates for Dana Miller and Bill Stockard*

Mr. Campbell, seconded by Mr. Thompson, moved to award emeritus status to former Board members Dana Miller and Bill Stockard. The motion passed unanimously.

7. *Nominees for Energy Efficient Schools Council* (request letter attached)

Mr. Campbell, seconded by Mr. Lockwood, moved that the names of Messrs. Thompson, Lim, and Hastings be submitted to Speaker of the House of Representatives, James Naifeh, to be considered for appointment to the Energy Efficient Schools Council. The motion passed unanimously.

**LEGAL CASE REPORT** (presented by Robert Herndon) (attached)

1. *Case #L01-AEL-RBS-2001039551* *Complaint #200103955*

Mr. Campbell, seconded by Mr. Schuermann, moved to authorize an informal conference with the respondent, subject to further discipline. The motion passed unanimously.

2. *Case #L02-AEL-RBS-2002090881* *Complaint #200209088*  
*Case #L06-AEL-RBS-2006014981* *Complaint #200601498*

Mr. Campbell, seconded by Ms. Shankman-Cohn, moved to authorize an informal conference with the respondent, subject to further discipline. The motion passed unanimously.

3. *Case #L07-AEL-RBS-2007053881* *Complaint #200705388*  
*Case #L07-AEL-RBS-2007083882* *Complaint #200705388*

These two cases were given to a Board member for review.

Mr. Lockwood, seconded by Mr. Campbell, moved to 1) accept the recommendations of legal counsel for the following cases, as amended by the Board, and 2) accept and close Consent Orders with which respondents have fully complied. The motion passed unanimously.

4. *Case #L07-AEL-RBS-2007054031* *Complaint #200705403*  
Dismiss and close the case.

5. *Case #L07-AEL-RBS-2007068991* *Complaint #200706899*  
Dismiss and close the case.

6. *Case #L07-AEL-RBS-2007067061* *Complaint #200706706*  
A Board member will review this case to determine possible misconduct.

7. *Case #L08-AEL-RBS-2008000291* *Complaint #200800029*  
A Board member will review this case to determine possible misconduct.

Board Meeting — September 18, 2008

8. Case #L08-AEL-RBS-2008000561 *Complaint #200800056*  
A Board member will review this case to determine possible misconduct.
9. Case #L08-AEL-RBS-2008004591 *Complaint #200800459*  
Dismiss and close the case.
10. Case #L08-AEL-RBS-2008004851 *Complaint #200800485*  
Dismiss and close the case.
11. Case #L08-AEL-RBS-2008007651 *Complaint #200800765*  
A Board member will review this case to determine possible misconduct.
12. Case #L08-AEL-RBS-2008016771 *Complaint #200801677*  
Issue a Consent Order to suspend registration until all taxes are paid.
13. Case #L08-AEL-RBS-2008016811 *Complaint #200801681*  
Issue a Consent Order to suspend registration until all taxes are paid.
14. Case #L08-AEL-RBS-2008018861 *Complaint #200801886*  
A Board member will review this case to determine possible misconduct.
15. Case #L06-AEL-RBS-2006044061 *Complaint #200604406*  
Dismiss and close the case.
16. Case #L07-AEL-RBS-2007067061 *Complaint #200706706*  
Close the case with a Letter of Warning.
17. Case #L07-AEL-RBS-2007084991 *Complaint #200708499*  
Close the case with a Letter of Warning.
18. Case #L07-AEL-RBS-2007085021 *Complaint #200708502*  
A Board member will review this case to determine possible misconduct.
19. Case #L07-AEL-RBS-2007087941 *Complaint #200708794*  
Case #L08-AEL-RBS-2008001731 *Complaint #200800173*  
A Board member will review these cases to determine possible misconduct.
20. Case #L07-AEL-RBS-2007089521 *Complaint #200708952*  
Dismiss and close the case.
21. Case #L08-AEL-RBS-2008003511 *Complaint #200800351*  
Issue a Consent Order for a civil penalty of \$250.00 and for the completion of the required continuing education hours.
22. Case #L08-AEL-RBS-2008003531 *Complaint #200800353*  
Issue a Consent Order for a voluntary suspension of the respondent's certificate of registration for six months. Flag the respondent's file to confirm that the other state's penalty has been paid before reinstating the license to practice engineering in Tennessee.

23. Case #L08-AEL-RBS-2008003551 *Complaint #200800355*  
Issue a Consent Order for a voluntary suspension of the respondent's certificate of registration for one year. Flag the respondent's file to confirm that the other state's penalty has been paid before reinstating the license to practice engineering in Tennessee.
24. Case #L08-AEL-RBS-2008005681 *Complaint #200800568*  
Authorize a formal hearing.
25. Case #L08-AEL-RBS-2008016831 *Complaint #200801683*  
Issue a Consent Order to suspend the respondent's certificate of registration until all taxes are paid.
26. Case #L08-AEL-RBS-2008016881 *Complaint #200801688*  
Issue a Consent Order to suspend the respondent's certificate of registration until all taxes are paid.
27. Case #L08-AEL-RBS-2008016891 *Complaint #200801689*  
Issue a Consent Order to suspend the respondent's certificate of registration until all taxes are paid.
28. Case #L08-AEL-RBS-2008016901 *Complaint #200801690*  
Issue a Consent Order to suspend the respondent's certificate of registration until all taxes are paid.
29. Case #L08-AEL-RBS-2008016911 *Complaint #200801691*  
Issue a Consent Order to suspend the respondent's certificate of registration until all taxes are paid.
30. Case #L08-AEL-RBS-2008016921 *Complaint #200801692*  
Issue a Consent Order to suspend the respondent's certificate of registration until all taxes are paid.
31. Case #L08-AEL-RBS-2008020751 *Complaint #200802075*  
Close the case with a Letter of Warning.
32. Case #L07-AEL-RBS-2007088161 *Complaint #200708816*  
Close the case with a Letter of Warning.
33. Case #L07-AEL-RBS-2007088681 *Complaint #200708868*  
Issue a Consent Order to suspend the respondent's certificate of registration until all records are updated correctly.
34. Case #L08-AEL-RBS-2008018251 *Complaint #200801825*  
Authorize a formal hearing.

*Consent Orders*

1. Case #L08-AEL-RBS-2008001051 *Complaint #200800105*  
2. Case #L08-AEL-RBS-2008010401 *Complaint #200801040*  
3. Case #L08-AEL-RBS-2007087711 *Complaint #200708771*

The meeting adjourned at 12:55 p.m.

#### ATTACHMENTS

Minutes of the July 10, 2008 Meeting  
Staff Complaint Report  
Licensing Data  
Financial Data  
Action Items  
Proposed Bylaws  
Sign Exemptions Policy  
News item regarding Integrated Project Delivery  
Report on NCEES Annual Meeting  
Report on CLARB Annual Meeting  
Tentative agenda for Fall Planning Session and October Board meeting  
Grant Guideline Revisions  
Letter requesting nominees for Energy Efficient Schools Council  
Complaints for Board Disposition  
Consent Order of Dennis Wayne Carter  
Consent Order of Noel Christopher Kirby  
Consent Order of Wendell K. Barnett